

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
27 APRIL 2023

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 27 APRIL 2023 AT 1100 HOURS IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT: - Councillor Martin Brooks in the Chair.

Councillors Akhlaq Ahmed, Diane Donaldson, David Barrie, Jack Deakin, Jane Jones, Mahmood Hussain, Shehla Moledina, Lee Marsham, Gareth Moore Mumtaz Hussain and Colin Green.

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INTRODUCTIONS

8141

The Chair notified the Committee, that this was a quasi-judicial meeting and no decisions had been made in advance of the meeting. He highlighted Members who sat on this Committee were sitting as representatives of the Council as a whole and not Ward Councillors.

NOTICE OF RECORDING

8142

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTEREST

8143

Councillor Lee Marsham stated that items 7 and 8 were in his ward, however he did not express any interest.

APOLOGIES

8144

Councillor Rick Payne.

CHAIR'S ANNOUNCEMENTS

8145

The Chair announced that when members are using the new microphones, they have to press the button on the microphone to speak and then turn it off once they have finished speaking.

MINUTES

8146

The minutes of the meeting of the Committee held on 6th April 2023 having been circulated, were confirmed by the Committee and signed by the Chair.

The business of the meeting and all discussions in relation to individual planning applications including issues raised by objectors and supporters thereof was available for public inspection via the web-stream.

REPORTS OF THE DIRECTOR OF PLANNING, TRANSPORT AND SUSTAINABILITY

The following reports were submitted:

(See Document No. 1)

PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE

REPORT NO. 6 - BRINDLEY DRIVE MULTI-STOREY CAR PARK, BRINDLEY DRIVE, BIRMINGHAM, B1 2NB - 2022/07980/PA

The Area Planning Manager (City Centre) confirmed the following updates:

- Paragraph 7.115 and resolution at 10.1 both refer to a further viability review in the event that the scheme switches from rental to sales. Officers consider that such a review is unnecessary and could prejudice the overall offer.
- With regards to affordable housing, independent assessors have considered that the sales model is likely to reduce rather than improve viability. It was proposed to remove the third bullet point at the resolution 10.1 and no further review in the event that it switches to a sales model and at the equivalent of 5.33 at 30% is secured.
- 2 additional objections received from a neighbour regarding loss of parking facilities. The second objection was the loss of disabled parking in symphony hall and the Rep specifically.

Members commented on the application and the Area Planning Manager (City Centre) responded thereto.

Upon being put to a vote it was 11 in favour, 0 against and 1 abstention.

8146

RESOLVED: -

- (i) That planning permission be granted subject to the completion of a Section 106 legal agreement and conditions as set out in the report.
- (ii) That in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 20th July 2023, or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the reason(s) set out in the report; and

that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

**REPORT NO. 7 - LAND NORTH AND SOUTH OF MILL STREET
BOUNDED BY ASTON ROAD (A38), DARTMOUTH CIRCUS,
DARTMOUTH MIDDLEWAY AND THE BIRMINGHAM AND FAZELEY
CANAL, CURZON WHARF, ASTON, BIRMINGHAM, B6 4BS -
2021/03125/PA**

The Area Planning Manager (City Centre) confirmed there were no updates.

Members commented on the application and the Area Planning Manager (City Centre) responded thereto.

Upon being put to a vote it was 12 in favour, 0 against and 0 abstention.

8147

RESOLVED: -

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement, pursuant to Section 111 of the Local Government Act 1972 which requires the applicants to complete Section 106 Obligations simultaneously with the acquisition of the development site and subject to no objection being raised by the Environment Agency, as set out in the report;
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority within a period of 3 months from the date of this resolution by 23rd May 2023 planning permission be refused for the reasons set out in the report;
- (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority within a period of 3 months from the date of this resolution by 23rd May 2023, favourable consideration would be given to the planning application subject to the conditions set out in the report;
- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement;
- (v) that no objections be raised to the stopping up/diversion of the footpaths from location/address, which cross the middle and south of the application site, and that the City Solicitor be requested to make an Order in accordance with the provisions of Section 257 of the Town and Country Planning Act 1990.

**REPORT NO. 8 - CANAL WALL SOUTH OF MILL STREET AND NORTH
OF THE BIRMINGHAM AND FAZELEY CANAL, ASTON, BIRMINGHAM -
2021/03035/PA**

The Area Planning Manager (City Centre) confirmed there were no updates.

Members commented on the application and the Area Planning Manager (City Centre) responded thereto.

Upon being put to a vote it was 12 in favour, 0 against and 0 abstention.

8148

RESOLVED: -

That planning permission be granted subject to the conditions set out in the report.

PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

REPORT NO. 9 - 750 BRISTOL ROAD SOUTH, NORTHFIELD, BIRMINGHAM, B31 2NN - 2022/09551/PA

The Area Planning Manager (South) confirmed the following updates:

- It was noted that one of the objections was from the Northfield BID, there were concerns in relation to anti-social behaviour, they believe there would be an increase in pressure on the police and bid resources.
- The proposal would take advantage of residents already in economic crisis. There are already a number of gambling establishments locally. Proposal would not add value to the local centre and concerns the proposal would be an unsuitable business. Filling an empty unit which would not accord with their business plan priorities.
- Had a petition submitted recently from Councillor Delaney that had 46 signatures on from 25 separate addresses not raising any additional issues that aren't already reported.
- had clarification from the agent in relation to paragraph 1.5 in terms of the number of jobs that this would create. It says 12 in the report that was on the basis that the premises would have been open for 24 hours. You'll see the suggested condition is that it closes at 10 at night and on that basis, they've revised the number of jobs to 8.
- Councillor Deakin raised concerns over being part of the Northfield BID which he does not receive payment for. The Senior Solicitor replied that the appointment to the bid is on the basis of his Councillor role and not in a personal capacity. On that basis, the Senior Solicitor was satisfied that it can be noted that doesn't preclude Councillor Deakins involvement in the consideration of the matter.

The Chair reminded members to vote on planning grounds and not personal moral judgement.

Members commented on the application and the Area Planning Manager (South), and the Assistant Director responded thereto.

Upon being put to a vote it was 2 in favour, 5 against and 5 abstentions.

8149

RESOLVED: -

That planning permission be refused, due to the impact on the vitality and viability of Northfield.

REPORT NO. 10 - RECREATION GROUND AT BOLEYN ROAD, RUBERY, BIRMINGHAM, B45 - 2022/03860/PA

The Area Planning Manager (South) confirmed the following updates:

- Condition 16 and 18 refer to the same construction method statement, but condition 16 should refer to the contaminated land verification reports.

Members commented on the application and the Area Planning Manager (South) responded thereto.

Upon being put to a vote it was 10 in favour, 2 against and 0 abstention.

RESOLVED: -

That planning permission be granted subject to the conditions set out in the report.

AMENDED CONDITION

Requires the submission of a contaminated land verification report
Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA

REPORT NO. 11 - LAND AT ICKNIELD PORT LOOP (IPL) BOUNDED BY LADYWOOD, MIDDLEWAY, ICKNIELD PORT ROAD AND WIGGIN STREET, LADYWOOD, BIRMINGHAM - 2022/00690/PA

The Principal Planning Officer (North West) confirmed the following updates:

- On page one it stated that the applicant was Urban Splash House limited it is now Icknield Port Loop LLP.

- On pages 311 and 14 references are made to removal of bridge links within the development as proposed, compared to the original outline approval, that's incorrect as only a single bridge link that would be removed. However, there will still be sufficient bridge links.
- Members were asked to note that the consultation comments from the canals and Rivers trust stated that they hadn't received the latest version of the revised landscape strategy. The applicant confirmed that this has been submitted to them so that they have now had sight of this and continuing with the consultation, the applicant has confirmed that they did consult with local neighbours. This included flyer handouts, drop-in events and other channels such as using their website for promotion. Further information on this is within the planning statement.
- Received a revised public realm parameter plan, and this shows a clearer route through the site going on to Wiggin St along the canal towpath with the north of the site.
- In paragraph 4.7 mentions that the housing within this part of the development would be two to three stories which is correct, but there is also an apartment building going on the junction which is 6 stories and again that can be seen on image two of the Case Officer report and within paragraph 4.9 there is mention of the housing going along it Ickneild Port Rd opposite the housing on Osler Street and this states that this is 4 stories but it should actually read 3 to 5 as can be seen on Image 2.
- The recommendation in the report states defer, however, this should be approved subject to completion of the deed of variation as there was a typo in the recommendation.

Members commented on the application and the Principal Planning Officer (North West) responded thereto.

Upon being put to a vote it was 10 in favour, 0 against and 2 abstentions.

8150

RESOLVED: -

That the application be deferred pending the completion of a suitable Deed of Variation.

REPORT NO. 12 - LAND AT LINDRIDGE ROAD, SUTTON COLDFIELD, BIRMINGHAM - 2022/09519/PA

The Lead Planning Officer (Langley & Peddimore) confirmed the following updates:

- Removal of proposed condition 3 regarding boundary treatments as this is considered to fall within the North Warwickshire Borough Council boundary area, so would be covered in an application within that authority.

Members commented on the application and the Lead Planning Officer (Langley & Peddimore) responded thereto.

Upon being put to a vote it was 9 in favour, 2 against and 1 abstention.

8151

RESOLVED: -

That planning permission be granted subject to the conditions set out in the report.

OTHER URGENT BUSINESS

The Chair stated that the training session following on viability would follow on from this meeting.

AUTHORITY TO CHAIR AND OFFICERS

8153

RESOLVED: -

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer has authority to act on behalf of the Committee.

8154

AUTHORITY TO THE ASSISTANT DIRECTOR (PLANNING):

If a Planning Committee meeting(s) are unable to be held in person and/or cancelled, the Assistant Director (Planning), in consultation with the Planning Committee, has authority to determine planning applications that would otherwise have been considered by the Committee.

The meeting ended 1200 hours.

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CHAIR